



Modern Slavery Statement

2022-23 Financial Year

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Acknowledgement of Country

The National Disability Insurance Agency (NDIA) acknowledges the Traditional Owners and Custodians of country throughout Australia, and their continuing connection to land, sea, and community. We pay our respects to them and their cultures, and to Elders past, present, and emerging, and extend that respect to other Aboriginal and Torres Strait Islander people.

Introduction

The National Disability Insurance Agency (NDIA) is committed to helping to protect vulnerable people from the impacts of modern slavery. As the agency is tasked with delivering the National Disability Insurance Scheme and supporting more than 600,000 Australians with disability, we are deeply committed to upholding the fundamental human rights of all people, and specifically acknowledge our obligations under the Convention on the Rights of Persons with Disabilities.

We believe that everyone has the right to be free from any forms of modern slavery and we have focused our efforts to help eliminate modern slavery in all areas of our business, which includes ensuring fair and safe working conditions for participants and the disability workforce that supports them.

For the reporting period of 1 July 2022 – 30 June 2023 our focus has been on expanding and improving awareness of modern slavery across the NDIA, and the implementation of updated procurement policies and procedures that recognise and address Modern Slavery within our supply chain.

We are committed to continuous improvement, ensuring we monitor and take action to reduce any risk of modern slavery in our operations and procurement. We will continue to work in partnership with suppliers to sustain a high standard of practice in line with our commitment.

The NDIA's Modern Slavery Statement (the Statement) has been prepared in accordance with the requirements of the Modern Slavery Act 2018 (Cth) (the Act). In this statement we have detailed the actions taken to identify and minimise the risk of modern slavery for the 2022-23 financial year.

This statement has been endorsed by the NDIA Board.

Signed,



Mr Kurt Fearnley, Chair

11 December 2023

Executive Summary

This Statement provides an overview of the NDIA's approach to Modern Slavery in the 2022-23 financial year. The NDIA has made significant progress and delivered our commitments in previous Statement to improve our capability in identifying modern slavery issues. We have contributed to the Australian Government's Review of the Modern Slavery Act 2018, strengthened our procurement framework, and increased education and awareness of Modern Slavery across the agency.

The NDIA use best endeavours to do business with ethically, environmentally, and socially responsible suppliers. Our updated procurement policies and procedures encourages identification of risks of modern slavery at the beginning of a procurement process, awareness of risk levels and appropriate mitigation will flow on to procurement evaluation process and ongoing contract management.

Our risk of exposure to Modern Slavery this reporting period is still regarded as low. It addresses current risks in the organisation and the global economy, and steps that are being taken to mitigate Modern Slavery practices. The Statement summarises actions taken by the NDIA during the reporting period and details the organisation's future commitments.

Key activities to minimise risks include leveraging on the whole of government arrangements and panels established by Department of Finance and other Commonwealth entities. Also, ensuring that key officials conducting high risk procurement activities are well trained on the issue of Modern Slavery. These key activities, supported with appropriate policy, guidance, and systems, has proven to be an effective mitigation strategy.

Mandatory Criterion 1 & 2: Covered Entities Structure, Operations and Supply Chains

Who we are

The NDIA is a Corporate Commonwealth Entity responsible for managing the NDIS as outlined under the Public Governance, Performance and Accountability Act 2013 (PGPA Act), with statutory authority under the National Disability Insurance Scheme Act 2013 (NDIS Act). The NDIA's purpose is to support individuals with a significant and permanent disability (participants) to be more independent and engage socially and economically, while delivering a financially sustainable NDIS that builds genuinely connected and engaged communities and stakeholders.

The initial 10 years of the National Disability Insurance Scheme (NDIS) have been focused on implementation. As of 30 June 2023, we provided direct supports nationwide, to 610,504 participants. Importantly, more than 391,141 participants are receiving supports related to their disability for the first time¹.

Our key role is to:

- provide reasonable and necessary supports to people living with a disability to exercise choice over implementing high quality plans
- support people with disability in their dealings and communications with the NDIA to ensure that it is appropriate to their circumstances and cultural needs
- support service providers with clarity and transparency so they can grow their business and respond to the community's needs
- empower and inform participants to be confident consumers
- raise community awareness for people with disability to encourage greater inclusion and access to mainstream services, community activities and other government initiatives.

NDIA Structure

The NDIA Board is the accountable authority of the NDIA and sets the Agency's strategic direction. In addition, the Board sets the objectives, strategies and policies to be followed by the Agency ([s124 NDIS Act \(External\)](#)).

¹National Disability Insurance Agency, [NDIA Quarterly Report Q4 June 2023, Accessed 9 October 2023, NDIA National Dashboard as of 30 June 2023 \(External\)](#)

The Board is responsible for:

- ensuring the proper, efficient, and effective performance of the Agency's functions ([§118 NDIS Act \(External\)](#))
- monitoring the performance of the Agency and reporting to the Disability Reform Ministerial Council as set out in the NDIS Act, the PGPA Act and Intergovernmental Agreements
- managing the Agency's costs and liabilities, including through the development of a reserve and investment of funds.

The Board has four subcommittees:

- Audit Committee
- Strategic Direction and Participant Outcomes Committee
- Risk Committee
- Sustainability Committee.

The Chief Executive Officer (CEO), Ms Rebecca Falkingham, is responsible for the day-to-day administration of the NDIA.

NDIA Operations

All Australian governments are involved in decisions relating to NDIS policy, funding, and governance.

- The [Commonwealth Minister \(External\)](#) is responsible for administering the NDIS Act, and exercises statutory powers with the agreement of States and Territories, including a power to make the NDIS Rules and direct the NDIA,
- The [Disability Reform Ministerial Council \(External\)](#) is the decision-maker on NDIS policy issues. It is made up of Ministers responsible for disability from the Commonwealth, States, and Territories,
- The NDIA administers the scheme. It is governed by a Board,
- The NDIA Board is advised by the [Independent Advisory Council \(External\)](#),
- The NDIA holds all funds contributed by the Commonwealth, States and Territories in a single pool, manages scheme funds, administers access to the NDIS and approves the payment of individualised support packages.

The NDIA's performance and operations are detailed in the Annual Report which is tabled in Parliament and is publicly available on the NDIS website and the [Commonwealth Government's Transparency Portal \(External\)](#).

The NDIA does not own or control other entities.

NDIA Supply Chains

Our supply chains involve diverse products and services provided by a wide variety of suppliers through contractual agreements. Our suppliers provide goods and services that:

- enable the NDIA's corporate functions to support the implementation of the NDIS
- allow the NDIA to fulfil its obligations under the NDIS Act via outsourced staffing and service agreements
- deliver reasonable and necessary supports to NDIS participants to pursue their goals

In addition, we provide significant funding to NDIS participants not under contractual agreement, who engage providers directly for reasonable and necessary supports. This Statement reports on the procurement activity from supply chain providers engaged through either Open Tender or Limited Tender procurement approaches.

Our Values

We are proud of our values-driven culture, based on those of the Australian Public Service (APS). These values are supplemented by our own, which underpin our actions and reflect our commitment to human rights and a socially inclusive culture.

The NDIA Values



We Value People



We Grow Together



We Aim Higher



We Take Care

All our staff and partners are recognised as having an important role to play in identifying and managing all types of risks, including those related to modern slavery. These values drive our actions to mitigate modern slavery by:

- building an upskilled workforce through ongoing training and professional development,
- sharing and learning with our partners and suppliers to incorporate best practices in procurement and
- delivery of ethical procurement practices in accordance with NDIA's legislative framework and Commonwealth Procurement Rules.

Mandatory Criterion 3: Risks

Our Risks

We maintain a structured approach to identifying, managing, escalating, and communicating key organisational risks. We use resources such as Commonwealth Government's toolkit '*Addressing Modern Slavery in Government Supply Chains*²' to assess our risks across the categories of:

- Sector and industry
- Products and services
- Geography
- Entity

Most goods and services procured by the NDIA are sourced from suppliers and contractors based in Australia. Our major categories of procurement are for the provision of:

- **Service delivery** of the NDIA functions to NDIS participants
- **Human resources**
- **Professional services**
- **Information and communications technology**
- **Property** and operational supports

Our three potential risk areas in this reporting period are:

Risk 1 - Offshore sub-suppliers

Information and Communications Technology hardware and software are critical tools for the NDIA's function and operations. These goods and services are recognised as high-risk products, with high amounts of exposure to Modern Slavery practices. The Asia-Pacific region is a global centre to produce ICT hardware and carries the highest concentration of people exposed to slavery-like conditions.

Risk 2 - Providers of supports

The NDIA's core function is to deliver the NDIS. Where we engage providers to deliver support services to NDIS participants, they are required to abide by the NDIS

² Commonwealth Government of Australia, Attorney-General's Department, *Modern Slavery Register* accessed 26 July 2023: [Addressing Modern Slavery in Government Supply Chains \(External\)](#)

Code of Conduct. This Code requires providers to uphold the human rights of every individual. Registered providers must also meet the NDIS Practice Standards.

Risk 3 - Facilities Management services

Facilities Management services typically employ unskilled workers from low socio-economic backgrounds and vulnerable populations. This group includes migrants, culturally and linguistically diverse persons and other vulnerable workers. The NDIA consistently engage with our facilities management suppliers and will continue to work towards mitigating exposure to Modern Slavery practices within this service area.

Risk Exposure

NDIA's visibility over its supply chain is considered *high*. This transparency is achieved with the frequent utilisation of panel arrangements established by other Commonwealth entities, and open tender procurement approaches for all goods and services procured by the NDIA.

Our first-tier suppliers are primarily Australian based organisations, and in this reporting period we have not identified connections with Modern Slavery practices among these suppliers. Within the 2022-23 financial year, the risk of Modern Slavery exposure for the NDIA is low as a result of the following measures:

Procurement from Australian Suppliers



The Commonwealth Modern Slavery Statement 2021-22 highlights the risk of Modern Slavery within Australia as being lower than known high-risk foreign regions³. Almost all NDIA contracts are held with **Australian suppliers**, with **0.69%** of all procurements within the reporting period made from overseas suppliers.

Panel Approaches for Procurement



Most of NDIA contracts are awarded under panel arrangements. These panels are established by Australian Government agencies bound by the Commonwealth Procurement Rules. This practice helps ensure that suppliers are ethical participants in the Australian supply chain.

³ Commonwealth Government of Australia, Commonwealth Modern Slavery Statement 2021-22, accessed 30 June 2023, modernslaveryregister.gov.au/statements/file/commonwealth-modern-slavery-statement-21-22.pdf (External)

Risk Screening

Our recent updated Procurement Policy integrates modern slavery risk assessment mechanisms at the very outset of our procurement process. Potential supplier's labour practices and ethical standards are being considered as part of procurement process considerations and evaluation.

Implementing these safeguards at the beginning of our procurement process enables us to identify any warning signs, such as poor working conditions, unethical recruitment practices, or questionable subcontracting policies, before formalising contracts.

Early identification allows for more effective mitigation measures but also fosters a culture of awareness and ethical responsibility across different organisational levels, strengthens due diligence and consequently reduces time and resources on audit.

The NDIA's Procurement Policy continues to require all procurements valued over \$100,000 (GST inclusive) to be managed by procurement officers. These officers are trained in identifying modern slavery risks and can minimise these risks for the NDIA.

The NDIA Board has established the Risk Committee, which functions as a subcommittee of the Board, to assist the Board in fulfilling its risk related responsibilities and obligations. The Risk Committee provides oversight of the NDIA's approach and management of risk. The committee's duties include reporting mechanisms for breaches of regulatory and legislative obligations, including Modern Slavery legislation. To date, zero incidents relating to Modern Slavery legislation have been reported.

Mandatory Criterion 4: Actions

Monitoring Compliance

Since the introduction of the *Modern Slavery Act 2018*, the NDIA has included Modern Slavery clauses in its high value and high-risk contracts when providing goods and/or services. Modern Slavery considerations are embedded into the NDIA Procurement Policy, and supporting templates, following an update in late 2022.

Procurement officers are directed to use the "Modern Slavery Toolkit for Government Procurement Officers"⁴ available on the Commonwealth Government's *Modern Slavery Register* webpage if guidance is required when managing a procurement.

The NDIA has taken the following steps to mitigate the risk of Modern Slavery exposure within our major procurement activities:

Human Resources



The majority of the NDIA's labour hire engagements are completed under panel arrangements. We are committed to using panel arrangements as our preferred procurement method.

For the reporting period, **98.15%** of labour hire engagements occurred under a panel approach. All labour hire contracts use exclusively Australian-based companies, and effective 31 July 2022, new labour hire staff are required to be Australian citizens, with any exemptions requiring additional Delegate and NDIA Security approval. In addition, our labour hire supplier base has been consolidated, allowing us to efficiently manage workforce contracts and build stronger relationships with the providers of workforce labour to the NDIA.

Service Delivery



The NDIA's largest service delivery output is the **National Contact Centre**. Outsourcing and compliance of the centre is managed by the NDIA Contact Centre Branch, and the centre is operated by Serco Citizen Services, part of the Serco Group (UK). This supplier provides annual Modern Slavery statements to the Commonwealth Government's public register. The NDIA manages various assurance plans and compliance mechanisms, such as a service agreement,

⁴ Commonwealth Government of Australia, Australian Attorney-General's Department, *Modern Slavery Register*. Accessed 23 July 2023: [Modern Slavery Toolkit for Government Procurement Officers \(External\)](#)

which frame the contract management for this major supplier. These contract management activities enable the NDIS to maintain close management of this significant supplier.

High Value Contracts



We have assessed our top ten high-value contracts for identifiable risk elements. These contracts included engagements for Building Security Services, Information Communications Technology, Property and Office Expenses and Partner Contracts. The risks associated with these contracts are considered low, as the NDIA engaged the majority of suppliers through panel arrangements.

Property, Operational Supports and Capital Works



Our property services are delivered by Jones Lang LaSalle (JLL) through the whole of government property services coordinated procurement arrangements. JLL demonstrates a strong commitment to eradicating Modern Slavery instances within its operations and supply chains. Their supplier framework guides each vendor through the life cycle of their contracts. JLL publishes current Modern Slavery statements on global statement registers.

In this reporting period, there was a significant increase of Capital Works related commitments/expenditure. However, risks associated with these contracts are considered low, as Capital Works procurement were conducted through panel arrangements and indigenous business.

Information Communications Technology (ICT)



There were no new ICT hardware contracts established during this reporting period. The NDIA conduct most of the procurements through the “Buy ICT” portal. Suppliers on this panel are mandated by the Digital Transformation Agency (DTA) to provide summaries of risk mitigation measures, which includes steps to address modern slavery concerns. In the 2022-23 financial year, ICT contracts constituted **39%** of the total engagement value with Australian registered suppliers.

Mandatory Criterion 5: Effectiveness

Assessing Our Effectiveness

The NDIA remain dedicated to identifying and addressing the risk of modern slavery in our operations and supply chains.

Staff Training and Awareness

All NDIA procurement specialist employees and staff in the Procurement and Corporate Services Branch are required to complete Modern Slavery training offered by the Commonwealth Government's online training modules, available on the Australian Attorney-General's Department's *Modern Slavery Register* webpage⁵. The required training modules were:

- *Modern Slavery in Public Procurement*
- *Identifying and Assessing Modern Slavery*
- *Managing Modern Slavery Risks*

The NDIA is committed to ensuring all Procurement staff complete the Modern Slavery online training modules offered by the Australian Attorney-General's Department. Procurement Officers hold an important role in assisting NDIA Delegates and their colleagues to conduct Efficient, Effective, Economical and Ethical procurement. As such, the NDIA commits to maintaining a **100% compliance rate** in Modern Slavery training for all procurement staff. Compliance is managed through an internal registration list, which all staff are required to complete upon completion of the online training courses.

⁵ Commonwealth Government of Australia, Australian Attorney-General's Department, *Modern Slavery Register*. Accessed 23 July 2023: [Modern Slavery Statements Register \(modernslaveryregister.gov.au\)](https://modernslaveryregister.gov.au) (External)

Assessment of 2022 Commitments

In our 2022 Statement we committed to improve our operational policies to address the issue of modern slavery and its associated risk factors. We have completed each of these activities and have incorporated them into our core business practices, where appropriate.

We have:

- ✓ contributed a submission to the Australian Government's Review of the Modern Slavery Act 2018 in 2022.
- ✓ increased Modern Slavery awareness across the NDIA through regular internal agency communications, information sessions and updated procurement templates and guidance documents.
- ✓ ensured that all new procurement officers complete the Commonwealth Government's online training modules, available on the Australian Attorney-General's Department's *Modern Slavery Register* webpage⁶.
- ✓ improved our ability to report and monitor this issue through implementation of procurement management system.
- ✓ implemented a revised procurement framework, including policy and guidance documents, to align with "*Modern Slavery Toolkit for Government Procurement Officers*"⁷ and other resources on the Attorney-General's Department's website.
- ✓ updated NDIA General Contract Terms and Conditions with the recommended Modern Slavery Contract Clauses recommended by the Attorney-General's Department and included in the Department of Finance's Commonwealth ClauseBank⁸.

⁶ Commonwealth Government of Australia, Australian Attorney-General's Department, *Modern Slavery Register*. Accessed 23 July 2023: [Modern Slavery Statements Register \(modernslaveryregister.gov.au\)](https://modernslaveryregister.gov.au) (External)

⁷ Commonwealth Government of Australia, Attorney-General's Department, *Australian Government's Response to Modern Slavery, including Procurement Toolkit*, accessed 26 July 2023: [Resources \(modernslaveryregister.gov.au\)](https://modernslaveryregister.gov.au) (External)

⁸ Commonwealth Government of Australia, Department of Finance, "*Modern Slavery*" in *ClauseBank*, accessed 20 September 2023, www.finance.gov.au/government/procurement/clausebank/modern-slavery (External)

Forward Commitments

Whilst the NDIA has made significant progress in this reporting period, the NDIA will continue to evolve to meet the complexities of this global issue. In the next financial year, we plan to:

- embed this year's achievement in NDIA procurement practices.
- develop a reporting tool, leveraging on data available in the procurement management system, that will allow us to better monitor and analyse our supply chain for potential risks.
- ensure the Supplier Self-Assessment Questionnaire is used, as suggested in "*Modern Slavery Toolkit for Government Procurement Officers*⁹" for procurements considered as high risk to modern slavery.
- review our reporting channels, including any allegations, concerns, and supplier feedback, to ensure that this is effective in reporting modern slavery incidents or risks.

The NDIA is committed to continued education on the issue of modern slavery for NDIA staff and that human rights are upheld by our partners and suppliers through the inclusion of modern slavery awareness resources in our procurement processes, policies, and contract documentation.

Mandatory Criterion 6: Consultation

The NDIA is not required to report on the **Mandatory Criterion 6** (the Act, section 16.1(f)) due to its status as a Corporate Commonwealth Entity that does not control or own other entities¹⁰.

Mandatory Criterion 7: Other Information

The NDIA has **no other information** to supply under Mandatory Criterion 7 (the Act, section 16.1(g)).

⁹ Commonwealth Government of Australia, Attorney-General's Department, *Australian Government's Response to Modern Slavery, including Procurement Toolkit*, accessed 26 July 2023: [Resources \(modernslaveryregister.gov.au\)](https://www.modernslaveryregister.gov.au) (External)

¹⁰ Commonwealth Government of Australia, Modern Slavery Act 2018, Accessed 26 July 2023: <https://www.legislation.gov.au> (External)